

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NO: 2:07-cr-104-WKW-SRW
)	
NORMAN EVANS MCELROY, JR.)	

UNOPPOSED MOTION TO CONTINUE PRE-TRIAL CONFERENCE

NOW COMES the Defendant, by and through the undersigned counsel, and respectfully moves this Court to move this matter from the October 12, 2007 pretrial conference docket.

In support of this Motion, defendant would show:

1. Counsel for the prosecution does not oppose this motion.
2. Defense counsel will be out of town on the afternoon of October 12, at the time presently set for this pretrial conference.
3. The indictment accuses Mr. McElroy of possession of child pornography. Mr. McElroy is detained. Although Mr. McElroy has no felony convictions, his risk of punishment appears to be well in excess of ten years.
4. The government has recently received forensic analyses of two computers. These analyses are not presently available to defense counsel in hard copy, due to their size (estimated by the government agent to be in excess of 10,000 pages, if printed) and the inclusion of child pornography images within the reports. Defense counsel and government counsel have arranged for the defense expert to attempt to review these matters at the FBI

office. Due to schedules of the persons involved, such review has been tentatively set for October 19, 2007, but it is anticipated that the review will not be completed on that date.

5. Defense counsel has separately filed an Unopposed Motion to Continue the trial date of this matter, presently set for the November 5, 2007 trial docket; the government does not oppose this motion.

6. Counsel anticipates that there will be matters in dispute, including discovery access, which will require an evidentiary hearing. The meeting on October 19 will determine in part whether some of those matters may be resolved without a defense motion.

WHEREFORE, defendant respectfully requests that this Motion be granted.

Respectfully submitted,

s/Christine A. Freeman

CHRISTINE A. FREEMAN

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Christopher Snyder, Esq., Assistant United States Attorney, One Court Square, Montgomery, AL 36104.

s/Christine A. Freeman

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